

# **LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for March 31, 2004 PLANNING COMMISSION MEETING**

## **Final Action**

**\*\*As Revised by staff on March 17, 2004, at the request of the Applicant\*\***

**P.A.S.:** Special Permit #04007  
N. 26<sup>th</sup> and "P" Streets

**PROPOSAL:** Health care facility for up to 20 residents.

**LOCATION:** Southeast corner of N. 26<sup>th</sup> and "P" Streets

**LAND AREA:** 42,600 square feet, or 0.98 acre, more or less.

**CONCLUSION:** This plan is in general conformance with the Zoning Ordinance. However, this plan is not strictly in conformance with Comprehensive Plan and the North 27<sup>th</sup> Street Corridor and Environs Plan. However, this is a residential facility and placing the building to the west provides a better relationship to the residential uses to the west.

|                               |                      |
|-------------------------------|----------------------|
| <b><u>RECOMMENDATION:</u></b> | Conditional Approval |
|-------------------------------|----------------------|

## **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 1 through 6, Block 21, Kinney's "O" Street Addition, located in Section 24 T10N R6E, Lancaster County, Nebraska.

**EXISTING ZONING:** B-3 Commercial

**EXISTING LAND USE:** Vacant church building.

## **SURROUNDING LAND USE AND ZONING:**

|        |  |                 |
|--------|--|-----------------|
| North: | Single- and Multiple-family homes, parking lot | R-6 Residential |
| South: | Commercial                                     | B-3 Commercial  |
| East:  | Multiple-family homes                          | R-6 Residential |
| West:  | Commercial                                     | B-3 Commercial  |

## **HISTORY:**

Dec 2003 Change of Zone #3401 changed the zoning on this property from R-6 to B-3.

- Nov 2003     An architectural and historic preservation review for the church building concluded it should be regarded as eligible for the National Register under the Architecture criteria.
- Jun 2003     Comprehensive Plan Conformity #03002 approved amendments to the *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan* identifying a redevelopment project at this location.
- Oct 2002     *North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan* adopted.
- May 2001     City of Lincoln purchased two residential structures located on Lot 1 of Kinney's O Street Addition. These acquisitions were identified redevelopment activities in the *North 27<sup>th</sup> Street Redevelopment Plan*. These structures were demolished in March, 2003.
- Mar 1998     *North 27<sup>th</sup> Street Redevelopment Plan* adopted.
- Jun 1997     *The North 27<sup>th</sup> Street Corridor Plan* was incorporated as an approved subarea plan of the Comprehensive Plan.
- May 1979     The zoning update changed this area from D Multiple Family Dwelling to R-6 Residential.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

This property is designated as Urban Residential in the Land Use Plan. (F 25)

**Urban Residential:** Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. (F 17)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. (F 18)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F 27)

Infill commercial development should be compatible with the character of the area and pedestrian oriented. (F 49)

Maintain and encourage retail establishment and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods. (F 49)

A safe residential dwelling should be available for each citizen: the efficiency apartment and the country estate, the small single family "starter" home and the large downtown apartment suite, the most affordable and the most expensive dwelling unit, completely independent living and living within the care of others. (F 65)

Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F 66)

Create housing opportunities for residents with special needs throughout the city that are compatible with residential neighborhoods. (F 66)

Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses. (F 69)

Expansion in existing [commercial] centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas. (F 69)

Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial centers. (F 69)

The key to both new and existing urban neighborhoods is diversity...For existing neighborhoods, the diversity is often already in place, but efforts must focus on maintaining this balance and variety....New construction should continue the architectural variety, but in a manner that is sympathetic with the existing neighborhoods. Infill development also needs to respect the street pattern, block sizes and development standards of the area, such as having parking at the rear and front porches, windows and doors on the front street side. The diversity of land uses, including commercial and congregate living facilities are important to the diversity of an area, provided they fit within the character of the block and neighborhood. (F 71)

Congregate [housing] facilities should be designed and located to enhance the surrounding neighborhood. Reasonable spacing, design, and operational requirements should be created for all congregate facilities to preserve the neighborhood character while providing for those with special needs. (F 72)

Public Transportation is an essential component of the transportation system and should be integrated with all other transportation modes...These public services are critical to those persons that are dependent on public transit services. (F 97)

Public property, especially publicly owned historic property, is a community trust and should be maintained, preserved, and utilized in an exemplary fashion. Most historic property is and should be privately maintained. (F 141)

The demolition of significant historic properties...diminishes the character of our community. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks. (F 141)

#### Strategies for Historic & Cultural Resources (F 142)

Adopt as public policy the careful stewardship of significant, publicly owned historic resources, including a full and open examination of alternatives when major alterations or demolition are considered.

## **NORTH 27<sup>th</sup> STREET CORRIDOR PLAN SPECIFICATIONS:**

The 27<sup>th</sup> Street Concept Plan proposes a mixed use framework, using the street as an environment for both business and living. (page 36)

Areas that require redevelopment are proposed for redevelopment in ways designed to strengthen existing commercial and residential investment. (page 36)

A principle of the concept plan is the separation, to the degree possible, of local and through traffic movements. (page 37)

The concept plan is based on the establishment of defensible edges between residential and non-residential uses. The concept of defensible edges, using streets or greenways to provide boundaries, realizes the benefits of mixed use while screening the negative effects of commercial growth on residential environments. (page 37)

Requiring new projects to provide direct connection from front door of business to 27<sup>th</sup> Street sidewalks. Design which requires pedestrian to cross parking lots in order to get businesses should be discouraged. (page 38)

Whenever possible, encourage project designs which place commercial buildings rather than parking lots along the street. Setbacks should be adequate to provide for separation from traffic and adequate landscaping; however, the pedestrian should be engaged with the building, rather than parking lots. Parking should generally be developed to the side or rear of commercial buildings. (page 38)

## **NORTH 27<sup>th</sup> STREET CORRIDOR AND ENVIRONS REDEVELOPMENT PLAN SPECIFICATIONS:**

### ***Redevelopment Activities: Commercial***

2. 27<sup>th</sup> and P Street: commercial redevelopment. This pocket of residential development is located just one block from the major intersection of 27<sup>th</sup> and O. Street widening has resulted in very little setback from 27<sup>th</sup> Street. Structures appear to be in poor and deteriorating condition. Acquire substandard houses; redevelop small transitional commercial use retail center. Project elements include:

- Acquire two substandard houses at P Streets.
- Relocate tenants.
- Demolish structures.
- Develop transitional commercial uses.
- Pave off-street parking.
- Relocate/upgrade utilities.
- Eliminate two driveways on North 27<sup>th</sup> Street; widen existing alley curb cut.
- Construct curb cut on P Street.
- Rezone from R-6 to transitional/commercial.

## **TRAFFIC ANALYSIS:**

Both North 27<sup>th</sup> and "P" Streets are classified as Minor Arterials, now and in the future. (E 49, F 103). The Comprehensive Plan defines this classification as one that "interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis, on land access. These are characterized by moderate to heavy traffic volumes." (F 103).

### **AESTHETIC CONSIDERATIONS:**

The Comprehensive Plan and the North 27<sup>th</sup> Street Corridor Plan both prefer projects that place the commercial use along the street and parking at the rear of the lot. This proposal shows a parking lot along the entire North 26<sup>th</sup> Streetside and along a portion of the "P" Street side across from residential uses. Since this site has 3 street frontages and only 1 building, it would be difficult to design a plan with all of the parking behind the building. Also this facility faces "P" Street and locating the building on the western end of the lot will provide a better relationship to the existing residential uses than the proposed parking lot.

### **ALTERNATIVE USES:**

This property can be used for any permitted use in the B-3 district.

### **ANALYSIS:**

1. This is an application for a special permit for a health care facility for up to 20 residents.
2. There are currently three property owners: CenterPointe, Inc., the City of Lincoln, and B&J Partnership. The City of Lincoln is under agreement to sell their property to CenterPointe, and has consented to this application. The property owned by B&J Partnership is subject to condemnation proceedings by the City, and will be sold to CenterPointe for this project.
3. A special permit for a health care facility may be granted pursuant to LMC §27.63.080 under the following conditions:
  - a) **Parking shall be in conformance with Chapter 27.67; additional parking requirements may be imposed. Traffic may be required to be discharged into a major street designated in the Comprehensive Plan, or into a classified collector. No parking shall be permitted in required front or side yards; all parking shall be screened.**

The proposed number of parking stalls appears to exceed minimum requirements. Although the design standards are technically met, safety concerns suggest minor revisions to the parking areas are necessary.

- b) **Yard and area regulations.**
  - 1) **Buildings shall not occupy over thirty-five percent of the total land area covered by the special permit.**

The proposal indicates a building lot coverage of twenty-eight percent.
  - 2) **Yards abutting a nonresidential district shall be the same as those required in said abutting district.**

The entire block is zoned B-3 Commercial. The proposal meets the B-3 yard requirements.

- 3) Any yard abutting a residential district or located wholly or partially in a residential district shall be the greater of ten feet or that required in the said abutting district, plus an additional one foot setback for each one foot of height shall be provided between the yard line and the wall nearest the yard for that portion of the building exceeding twenty feet in height.

This property does not abut a residential district.

- 4) Required front and side yards shall be landscaped.

The B-3 district requirement for front and side yards is zero feet. However, Applicant does show landscaping between the building and the property line.

- 5) The City Council may increase or decrease these requirements with consideration given to both facilities and adjacent environment.

There are no waivers being requested, therefore, City Council is not being asked to change any of these requirements.

- c) The proposed health care facility shall conform to all applicable state and federal requirements.

This requirement is a condition of approval.

- d) The location of health care facilities shall be readily accessible to the area served. Such facilities should be located on major streets near the center of the area to be served.

This facility serves a broad population base. This facility is located along two minor arterials, and one block from a principle arterial. It is readily accessible by the immediate area, as well as other residents of Lincoln.

4. The drawings for the proposed facility show yard setbacks and parking stalls in excess of the B-3 minimum requirements. The resolution approving this permit states the "site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters." Since Applicant's use appears to fit well within the site even with these limitations, the final site plan should refer to the increases in these requirements.

5. The Public Works Department has concerns over the parking area layouts. The parking lot must have circulation and not create a dead end aisle that causes vehicles to back out of the lot if all the stalls are filled. One of the end stalls could be designated as a turn around area to accomplish this. Also, the diagonal parking stalls are shown against traffic flow in the alley that creates potential head to head conflicts.
6. Planning Staff recommends the plan be mirrored on the site, as shown in Exhibit A. This would move the parking area away from the residential neighbors, putting it along an already busy street. Doing this would also reorient the diagonal parking stalls with alley traffic flow.
7. Planning Staff recommends approval based upon the following conditions.

**CONDITIONS:**

Site Specific:

1. This approval permits an 11,800 square foot health care facility for up to 20 residents. Lot coverage for the building shall not exceed 35%.

General:

2. Before receiving building permits:
  - 2.1 The permittee shall complete the following instructions and submit 5 copies of the revised documents and plans to the Planning Department office for review and approval.
    - 2.1.1 Identify and provide elevations of the design elements located at the corners of the lot, and demonstrate they conform to sight distance requirements.
    - 2.1.2 ~~Revise the parking lot to provide a turn around area. **\*\*Deleted at the request of the applicant and agreed upon by staff on March 17, 2004\*\***~~
    - 2.1.3 ~~Flip the site plan and place the building adjacent to N. 26<sup>th</sup> Street and the parking on the east side of the building. Refer to Exhibit "A". **\*\*Deleted at the request of the applicant and agreed upon by staff on March 17, 2004\*\***~~
    - 2.1.4 ~~Revise the diagonal parking stalls to go with traffic flow. The parking lot and all parking stalls for this health care facility shall meet the Design Standards of the City of Lincoln and the final design of the parking lot and stalls shall be subject to the approval of the Public Works & Utilities Department prior to the issuance of a building permit. **\*\*Revised at the**~~

**request of the applicant and agreed upon by staff on March 17, 2004\*\***

- 2.1.5 Add a note to the site plan stating any relocation of existing facilities will be at owner/developer's expense.
- 2.1.6 Revise the landscape plan to show "Autumn Blaze" Maple instead of "Emerald Queen" Maple on North 26<sup>th</sup> and North 27<sup>th</sup> Streets.
- 2.1.7 Revise the landscape plan to show the "Autumn Blaze" Maple on North 27<sup>th</sup> Street planted 8 feet west of the sidewalk for traffic sight clearance and for proper clearance above the sidewalk/street.
- 2.2 Submit a certificate of ownership showing CenterPointe, Inc. is the owner of all property shown on the plans.
- 2.3 The operation and the premises shall meet all applicable local, state, and federal licensing requirements, including compliance with health codes.

**STANDARD CONDITIONS:**

- 3. The following conditions are applicable to all requests:
  - 3.1 Before occupying this health care facility all development and construction is to comply with the approved plans.
  - 3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner.
  - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.



Prepared by

Greg Czaplewski, 441.7620, gczaplewski@ci.lincoln.ne.us

**Date:** March 9, 2004

**Applicant:** CenterPointe, Inc.  
1000 South 13<sup>th</sup> Street  
Lincoln, NE 68508  
475.5161

**Owners:** CenterPointe, Inc.  
1000 South 13<sup>th</sup> Street  
Lincoln, NE 68508  
475.5161

B & J Partnership, Ltd.  
340 Victory lane  
Lincoln, NE 68528

City of Lincoln  
Urban Development Department  
Wynn Hjermstad, Community Development Manager  
808 "P" Street, Suite 400  
Lincoln, NE 68508  
441.8211

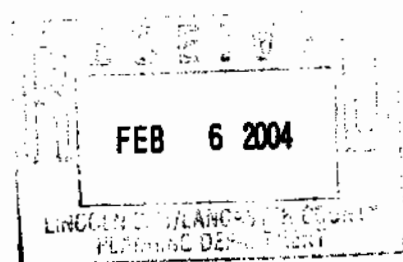
**Contact:** CenterPointe, Inc.  
Topher Hansen  
1000 South 13<sup>th</sup> Street  
Lincoln, NE 68508  
475.5161

**PURPOSE STATEMENT FOR  
SPECIAL PERMIT FOR CENTERPOINTE, INC.**

CenterPointe, Inc., has undertaken the redevelopment of Lots 1 through 6, Block 21, Kinney's O Street Addition. CenterPointe proposes to build an approximately 15,000 square-foot building that would house an adult residential treatment program and administrative offices. The zoning classification of the land has recently been changed from the R-6 Residential District to the B-3 Commercial District. Pursuant to Section 27.33.040 of the B-3 Commercial District, the health care facility such as that proposed by CenterPointe is permitted as a special use.

Section 27.63.080 of the Lincoln Municipal Ordinances describes the conditions under which a special permit for a health care facility is permitted. The accompanying site plan of CenterPointe demonstrates that its project complies with those conditions.

L0574386.1





2002 aerial

## Special Permit #04007 N. 26th & 'P' St.

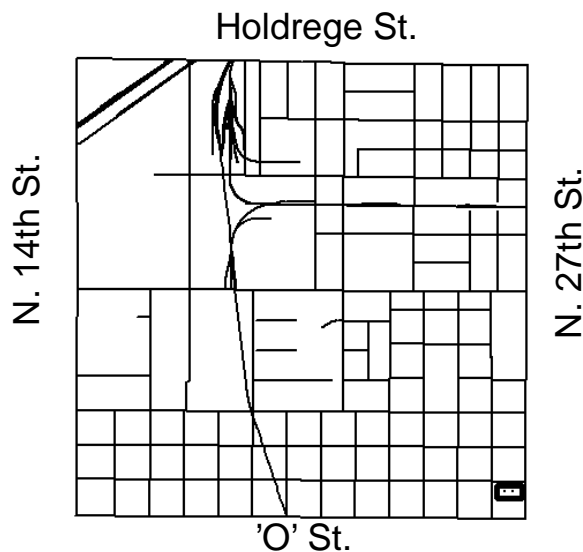
### Zoning:

|            |  |
|------------|--|
| R-1 to R-8 | Residential District                   |
| AG         | Agricultural District                  |
| AGR        | Agricultural Residential District      |
| R-C        | Residential Conservation District      |
| O-1        | Office District                        |
| O-2        | Suburban Office District               |
| O-3        | Office Park District                   |
| R-T        | Residential Transition District        |
| B-1        | Local Business District                |
| B-2        | Planned Neighborhood Business District |
| B-3        | Commercial District                    |
| B-4        | Lincoln Center Business District       |
| B-5        | Planned Regional Business District     |
| H-1        | Interstate Commercial District         |
| H-2        | Highway Business District              |
| H-3        | Highway Commercial District            |
| H-4        | General Commercial District            |
| I-1        | Industrial District                    |
| I-2        | Industrial Park District               |
| I-3        | Employment Center District             |
| P          | Public Use District                    |

One Square Mile  
Sec. 24 T10N R6E



Zoning Jurisdiction Lines  
City Limit Jurisdiction



< NORTH 27th STREET

K P STREET

> NORTH 26th STREET

## SITE PLAN

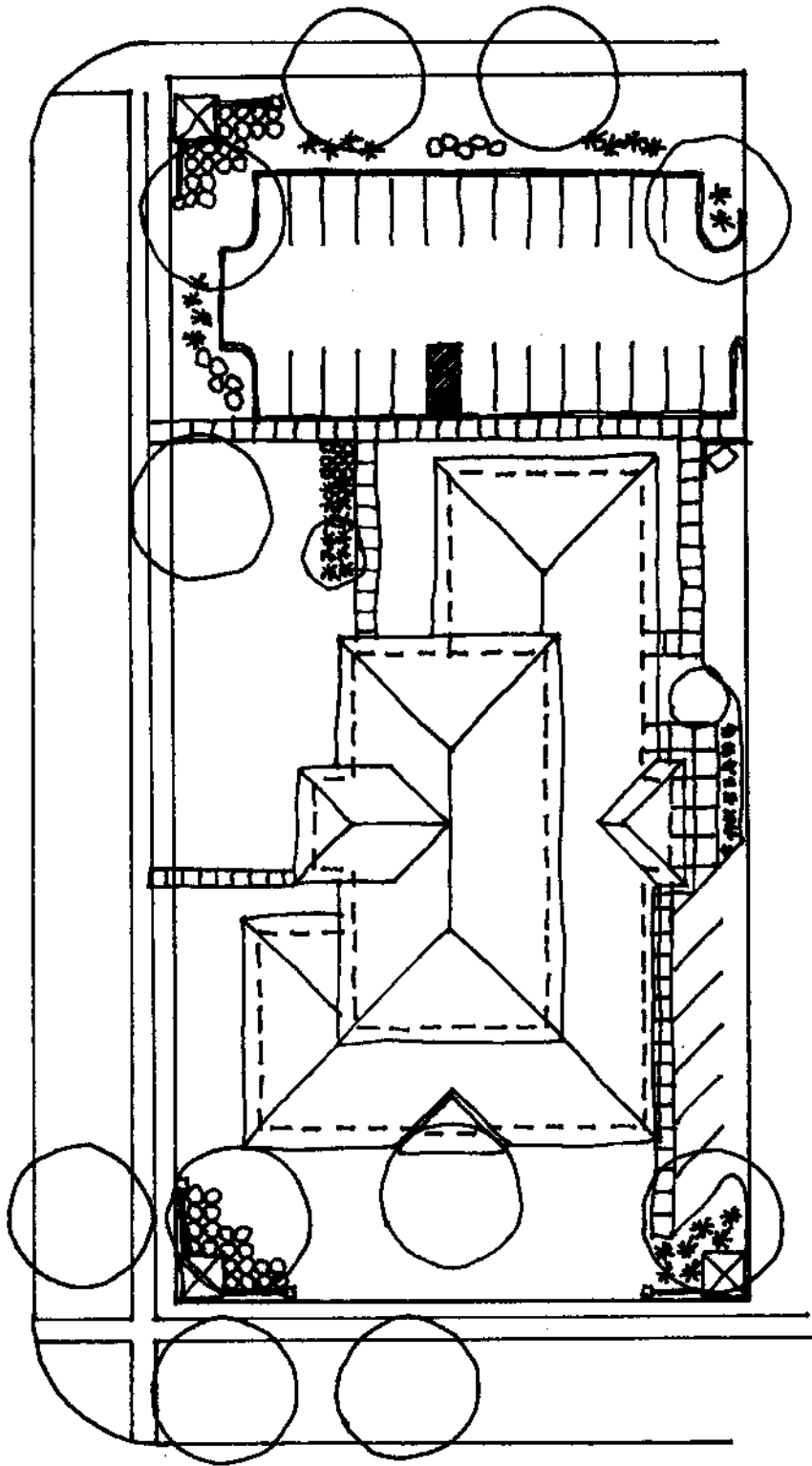
**CenterPointe Adult Drug Rehabilitation Center**  
1/23/04

**SINCLAIR**hille  
architects



# EXHIBIT "A"

P St.



26 St.

27 St.



NO SCALE

SITE PLAN  
AS  
SUGGESTED  
BY  
PLANNING STAFF